

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hnojewyj et al.

Examiner: J. Russel

Serial No. : 09/520,856

Group Art Unit: 1654

Filed : 7 March 2000

For : Biocompatible Material Composition Adaptable to Diverse Therapeutic
Indications

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Daniel D. Ryan, Esq. (Registration Number 29,243), state that I am attorney of record in the above identified patent application (which I will call the '856 Application). The '856 Application is a continuation-in-part of United States Patent Application Serial No. 09/283,535, filed April 1, 1999, now U.S. Patent No. 6,458,147, which is itself a continuation-in-part of United States Patent Application Serial No. 09/188,083, filed November 6, 1998, now U.S. Patent No. 6,371,975.

I further state that NeoMend, Inc. is the assignee of the whole invention claimed and described in U.S. Patent 6,458,147 and the present '856 Application. The assignment of the U.S. Application Serial No. 09/283,535 (now U.S. Patent 6,458,147) by the inventors to Advanced Closure Systems, Inc. is recorded in the United States Patent Office on Reel/Frame 010374/0594, a true copy of which is attached. A Certificate of Amendment of Advanced Closure Systems, Inc. changing its name to NeoMend, Inc. is recorded in the United States Patent Office on Reel/Frame 012848/0941, a true copy of which is attached. The assignment of the present '856

Application by the inventors to NeoMend, Inc. is recorded in the United States Patent Office on Reel/Frame 010820/0912, a true copy of which is attached. As a result, U.S. Patent 6,458,147 and the present '856 Application are commonly owned by NeoMend, Inc.

With respect to claims granted in the '856 Application, NeoMend, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,458,147.

NeoMend, Inc. hereby agrees that any patent granted on the '856 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent 6,458,147. This agreement shall run with any patent granted on the '856 Application and shall be binding upon the grantor, its successors, or assigns.

NeoMend, Inc. does not disclaim any terminal part of any patent granted on the '856 Application prior to the expiration date of the full statutory term of U.S. Patent 6,458,147 in the event that U.S. 6,458,147 later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); (5) has all claims canceled by a reexamination certificate; or (6) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of the assignee NeoMend, Inc's knowledge and belief, title is in the assignee. I also state that I am authorized by NeoMend, Inc. to make this Terminal Disclaimer on its behalf.

NeoMend, Inc.

By

Daniel D. Ryan, Esq.

Registration Number 29,243

Attorney of Record

NeoMend/16102-A CIP/030919 Terminal Disclaimer



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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FEBRUARY 14, 2000

PTAS

RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
633 WEST WISCONSIN AVENUE
MILWAUKEE, WI 53203

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/08/1999

REEL/FRAME: 010374/0594
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
CRUISE, GREGORY M.

DOC DATE: 11/03/1999

ASSIGNOR:
HNOJEWY, OLEXANDER

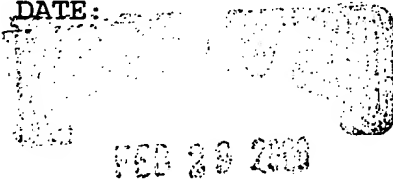
DOC DATE: 11/03/1999

ASSIGNEE:
ADVANCED CLOSURE SYSTEMS
735 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09283535
PATENT NUMBER:

FILING DATE: 04/01/1999
ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



RYAN KROMHOLZ & MANION S.C.

MRD 11/8/99 E JCTB

FORM PTO-1595

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11-16-1999



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3 SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

(Rev. 6-93)

PATENT & TRADEMARK OFFICE

Tab settings 555

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereon

1. Name of conveying party(ies):

Gregory M. Cruise and Olexander Hnojewy

Additional name(s) of conveying party(ies) attached?

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: November 3, 1999

2. Name and address of receiving party(ies)

Name: Advanced Closure Systems

Internal Address:

Street Address:

735 Palomar Avenue

City: Sunnyvale State: CA ZIP: 94086

Additional name(s) & address(es) attached: ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/283,535

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. Ryan

Internal Address:

Ryan Kromholz & Manion, S.C.

Street Address:

633 West Wisconsin Avenue

City Milwaukee State: WI ZIP: 53203

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

06-2360

(Attach duplicate copy of this page if paying by deposit account)

11/10/1999 VMM11 0000055 062360 09283535

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01 FC:581

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9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

11/4/99

Date

Total number of pages including cover sheet, attachments, and document:

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ASSIGNMENT

WHEREAS, Gregory M. Cruise of Fremont, California and Olex Hnojewyj of Saratoga, California (hereinafter referred to as ASSIGNORS), have invented and own a certain invention ^{TECH. ENTERED 1600/2900} entitled Compositions, Systems and Methods for Arresting or Controlling Bleeding or Fluid Leakage in Body Tissue for which application for Letters Patent of the United States has been executed on even date herewith (attorney's Docket No. 1849.16102-A CIP);

WHEREAS, Advanced Closure Systems, Inc. (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment of ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNORS hereby sell, assign and transfer to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS THEREOF, I have hereunto set hand and seal this 3rd day of November, 1999.


Gregory M. Cruise

IN WITNESS THEREOF, I have hereunto set hand and seal this 3 day of Nov., 1999.


Olex Hnojewyj

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JULY 03, 2002

PTAS

RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WI 53226-0618

TECH CENTER 1800
Commissioner of Patents and Trademarks
Arlington, VA 22202-3513
www.uspto.gov



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RECORDATION DATE: 04/30/2002

REEL/FRAME: 012848/0941
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ADVANCED CLOSURE SYSTEMS, INC.

DOC DATE: 03/13/2000

ASSIGNEE:

NEOMEND, INC.
675 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09283535
PATENT NUMBER:

FILING DATE: 04/01/1999
ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-06-2002

cket No.: 1849.16102-A CIP

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office



102079557

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Advanced Closure Systems, Inc.

2. Name and address of receiving party(ies):

Name: **NeoMend, Inc.**

Address: **675 Palomar Avenue**

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TECH CENTER 1600/2900

City: **Sunnyvale**

State/Prov.: **CA**

Country: **US**

ZIP: **94086**

Additional name(s) & address(es)

☐ Yes ☒ No

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☐ Assignment

☐ Merger

☐ Security Agreement

☒ Change of Name

☐ Other

Execution Date: **3/13/2000**

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

09/283,535

4/1/1999

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Daniel D. Ryan**

Registration No. **29,243**

Address: **Ryan Kromholz & Manion, S.C.**

P.O. Box 26618

05/06/2002 TDIAZ1 00000040 09283535

01 FC:581

40.00 0P

City: **Milwaukee**

State/Prov.: **WI**

Country: **US**

ZIP: **53226-0618**

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ **40.00**

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

06-2360

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

22 April 2002

Date

5

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

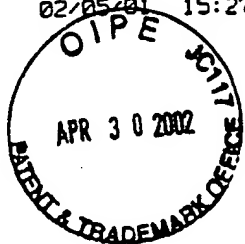
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02/05/01 15:27

WILSON SONSINI + 914287330198

NO.306 P002/006



State of Delaware

PAGE 1

Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF AMENDMENT OF "ADVANCED CLOSURE
SYSTEMS, INC.", CHANGING ITS NAME FROM "ADVANCED CLOSURE
SYSTEMS, INC." TO "NEOMEND, INC.", FILED IN THIS OFFICE ON THE
THIRTEENTH DAY OF MARCH, A.D. 2000, AT 4 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE
NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel

Edward J. Freel, Secretary of State

2690115 8100

001126913

AUTHENTICATION:

0315182

DATE:

03-15-00

Feb 05 01 04:47p

02/05/01 15:27

WILSON SONSINI → 914287330190



P. 3

0.306 P003/005

**CERTIFICATE OF AMENDMENT OF
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION**

.....

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TECH CENTER 1600/2906

Advanced Closure Systems, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, at a meeting of the Board of Directors, adopted a resolution proposing and declaring advisable the following amendment to the Amended and Restated Certificate of Incorporation of said corporation:

RESOLVED, that the Amended and Restated Certificate of Incorporation of Advanced Closure Systems, Inc. be amended by changing the first Article thereof so that, as amended, said Article shall be and read as follows:

"ONE The name of this corporation is NeoMend, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 of the General Corporation Law of the State of Delaware.

[remainder of page intentionally left blank]

Feb 05 01 04:47p

p. 4

02/05/01 15:27 WILSON SONSINI → 914087330190

NO. 306 P004/006

IN WITNESS WHEREOF, the corporation has caused this Certificate to be signed by its President, this 9 day of March, 2000.

By:

Timothy C. Mills, President

6. The proposed change to the name of the organization is "The National Association of Public Employees" (NAPe) (Change to "National Association of Public Employees" to "National Association of Public Employees").

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A0512783

State of California



SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of



Bill Jones

Secretary of State

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02/05/01 15:27

WILSON SONSINI + 914287330190

A0542783

P. 6

NO. 306 P006/006



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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 31 2000

TECH CENTER 1600/2800

HILL JONES, Secretary of State

AMENDED STATEMENT BY FOREIGN CORPORATION

NeoMend, Inc.

Name of Corporation

_____, a corporation organized
and existing under the laws of Delaware, and which is presently
(State or Place of Incorporation)

qualified for the transaction of intrastate business in the State of California, makes the
following statement:

That the name of the corporation has been changed to that hereinabove set forth and
that the name relinquished at the time of such change was Advanced Closure Systems, Inc.

NeoMend, Inc.

(Name of Corporation)

[Signature]
(Signature of Corporate Officer)

David A. Saul, Jr., Secretary
(Typed Name and Title of Officer Signing)





CERTIFICATE OF FIRST CLASS MAIL

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as First Class Mail on the date indicated below
in an envelope addressed to: Commissioner of Patents and Trademarks,
Washington, D.C. 20231.

By:

Julie A. Wolf

Dated:

22 April 2002

Julie A. Wolf



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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101373434

JULY 28, 2000

PTAS

DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WI 53226

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RECORDATION DATE: 05/30/2000

REEL/FRAME: 010820/0912
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HNOJEWYJ, OLEXANDER

DOC DATE: 04/13/2000

ASSIGNOR:

MILO, CHARLES

DOC DATE: 04/13/2000

ASSIGNOR:

CRUISE, GREGORY M.

DOC DATE: 05/21/2000

ASSIGNEE:

NEOMEND, INC.
675 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09520856
PATENT NUMBER:

FILING DATE: 03/07/2000
ISSUE DATE:

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010820/0912 PAGE 2

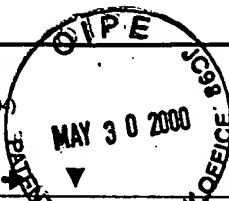
STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

06-05-2000

et No.: 184.016102-A CIP 2

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(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)
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Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Olexander Hnojewj
Charles Milo
Gregory M. Cruise

M 10
530.0

2. Name and address of receiving party(ies):

Name: NeoMend, Inc.

Internal Address:

SEP 22 2003

Street Address: 675 Palomar Avenue

City: Sunnyvale

State: CA

ZIP: 94086

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: April 13, 2000 May 21, 2000

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. Ryan

Internal Address:

05/01/2000 WKORONA 00000018 09520856

05 FC:581

40.00 DP

Street Address: P.O. Box 26618

City: Milwaukee

State: WI

ZIP: 53226

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

06-2360

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

26 May, 2000

Date

Total number of pages including cover sheet, attachments, and document:

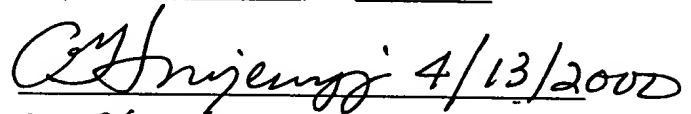
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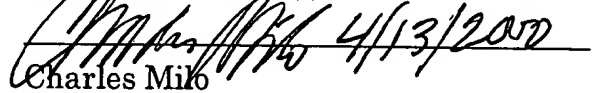
ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Olexander Hnojewyj, Charles Milo, and Gregory M. Cruise, being the lawful owners, hereby sell and assign to NeoMend, Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Biocompatible Material Composition Adaptable to Diverse Therapeutic Indications, as described in the application for United States patent filed on 7 March 2000 as Serial No. 09/520,856, and in this and any and all US and other patent applications and patents thereon, and in all rights of priority thereto.

Signed, sealed and delivered this _____ day of _____, 20_____.

 4/13/2000

Olexander Hnojewyj

 4/13/2000

Charles Milo

Gregory M. Cruise

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Olexander Hnojewyj, Charles Milo, and Gregory M. Cruise, being the lawful owners, hereby sell and assign to NeoMend, Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Biocompatible Material Composition Adaptable to Diverse Therapeutic Indications, as described in the application for United States patent filed on 7 March 2000 as Serial No. 09/520,856, and in this and any and all US and other patent applications and patents thereon, and in all rights of priority thereto.

Signed, sealed and delivered this _____ day of _____, 20_____.

Olexander Hnojewyj 4/13/2000

Olexander Hnojewyj

Charles Milo 4/13/2000

Charles Milo

Gregory M. Cruise 5/21/00
date

Gregory M. Cruise